

**ORIGINAL**

APR 24 2008

CHAMBERS OF  
RONALD L. ELLIS  
U.S.M.J.UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FEN Z. CHEN, JIN L. DONG, DE Q. LIAN, DIAN LIN, GONG Y. WANG, ZHUK YONG, JIN D. YOU and CONG D. ZHENG,

Plaintiffs,

v.

REPUBLIC RESTAURANT CORP., REPUBLIC GC, LLC, ME'KONG DELTA, INC., HUY CHI LE, LINH HUE LE and LIANG JIN LIN,

Defendants.

No. 07 Civ. 3307 (LTS)(RLE)

ECF CASE

**STIPULATION**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 5-5-08

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel, that Defendants Republic Restaurant Corp., Republic GC, LLC, Me'kong Delta, Inc., Huy Chi Le, Linh Hue Le and Liang Jin Lin (collectively, "Defendants") concede the following:

1. With respect to the eight-named Plaintiffs only, Defendants willfully violated the

Fair Labor Standards Act (the "FLSA"), 29 U.S.C. §255(a), from April 30, 2001 until April 30, 2007, by making incorrect payments to Plaintiffs for overtime and minimum wage.

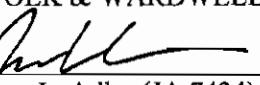
2. With respect to the eight-named Plaintiffs only, Defendants willfully violated the New York State Labor Law, N.Y. Lab. L. §198(1-a), from April 30, 2001 until April 30, 2007, by making incorrect payments to Plaintiffs for overtime and minimum wage.

**IT IS ALSO STIPULATED AND AGREED**, by and between the undersigned counsel, that by entering into this Stipulation, Plaintiffs withdraw Plaintiffs' Document Request No. 22 and Interrogatory No. 7 as previously ordered by Magistrate Ellis in an Order of this Court dated March 26, 2008.

**IT IS FURTHER STIPULATED AND AGREED**, by and between the undersigned counsel, that by entering into this Stipulation, Plaintiffs agree that any response to Interrogatory No. 11 provided by Defendants, will be used for the limited purpose of being able to "substantiate or disprove the Plaintiffs' claims" in this specific lawsuit as intended by Magistrate Ellis in an Order of this Court dated March 26, 2008, and not for any other purpose.

Dated: New York, New York  
April 23, 2008

DAVIS POLK & WARDWELL

By:   
Jonathan L. Adler (JA 7424)  
450 Lexington Avenue  
New York, New York 10017  
(212) 450-4190

Kenneth Kimerling (KL 5762)  
ASIAN AMERICAN LEGAL DEFENSE  
AND EDUCATION FUND  
99 Hudson Street  
New York, New York 10013  
212.966.5932

*Attorneys for Plaintiffs*

So Ordered:

 5-5-08  
The Honorable Ronald L. Ellis, U.S. Magistrate Judge

NYK 1156389-1.079795.0011

M